



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

July 6, 2009

Jill Metcalf
Action Regional Judicial Officer
U.S. EPA, Region I
1 Congress Street (RAA)
Boston, MA 02114-2023

By Hand

Re: In the Matter of: Downeast Energy Corp., Docket No. CWA-01-2009-0054
Consent Agreement and Final Order for Approval

Dear Ms. Metcalf:

In accordance with 40 C.F.R. § 22.18(b), enclosed please find a Consent Agreement and Final Order ("CAFO") that has been signed by the parties and is now being submitted to you for approval. Please note that consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b) this CAFO both commences and concludes the matter referenced above.


The proposed penalty of \$157,500 in the matter is consistent with EPA's Civil Penalty Policy for Violations of Section 311(b)(3) and Section 311(j) of the Clean Water Act (CWA). The Policy is based on the statutory penalty factors set forth in Section 311(b)(8) of the CWA, 33 U.S.C. § 1321(b)(8).

Pursuant to 40 C.F.R. § 22.45, EPA was required to notify the public before assessing a civil penalty in any proceeding under Section 311(b)(6)(B)(ii) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(ii). Accordingly, EPA has provided the public the opportunity to comment on this matter from May 27, 2009 through June 25, 2009 and received no comments on this proposed action.

The public notice is available on the internet at:
<http://www.epa.gov/region01/enforcement/water/public-notices.html>

In accordance with § 22.45(c)(3), the Final Order is being submitted to you at least 10 days after the close of the public comment period. Once the Final Order has been signed, EPA will file the fully executed CAFO with the Regional Hearing Clerk thereby resolving this matter. If you have any questions related to this matter please call me at 617-918-1796.

Respectfully submitted,


Jeffrey Kopf
Senior Enforcement Counsel
U.S. EPA, Region 1

Enclosure

cc: Steve Hall, Downeast Energy Corp. (w/o enclosure)
Wanda Santiago, Regional Hearing Clerk (by hand w/o enclosure)